

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

V.

XAVIER BECERRA, in his official capacity
as Secretary of the United States Department
of Health and Human Services, *et al.*,

Defendants.

Civil Action No. 5:21-CV-00300-H

NOTICE OF FINAL RULE ADDRESSING MASKING REQUIREMENT

Defendants respectfully notify this Court of a final rule recently promulgated by the Office of Head Start within the Administration for Children and Families of the U.S. Department of Health and Human Services, effective January 6, 2023, with a compliance date of March 7, 2023. *See* Mitigating the Spread of COVID–19 in Head Start Programs, 88 Fed. Reg. 993 (Jan. 6, 2023) (the “Final Rule”), attached hereto as Exhibit A. The Final Rule modifies portions of the interim final rule challenged in this litigation: Vaccine and Mask Requirements to Mitigate the Spread of COVID 19 in Head Start Programs, 86 Fed. Reg. 68,052 (Nov. 30, 2021). Most pertinently, the Final Rule removes the requirement for masking for individuals ages 2 and older. *See* 88 Fed. Reg. at 1,000. The Final Rule does not address the interim final rule’s vaccination and testing requirement, which is still under review.

Dated: January 13, 2023

Respectfully submitted,

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